

Office Action Summary	Application No. 10/827,399	Applicant(s) TAKABE ET AL.	
	Examiner MICHAEL ROSWELL	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the Request for Continued Examination filed 23 December 2008.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 4-5 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Patent # 7,036,091) in view of Robbins (US Patent # 6,819,344 B2), further in view of Vayda et al (US Patent # 5,745,717), hereinafter Vayda, and Torres (US Patent 5,317,687).

As to independent claims 1 and 5, Nguyen teaches:

- displaying a first ring on a picture screen and a plurality of icons at predetermined intervals on the first ring (i.e. ring as menu 420, with icons as options 424, see col. 7 lines 64-67 on TV 104);
- rotating a displayed first icon on the first ring while maintaining the order of arrangement (i.e. see col. 8, lines 13-23);
- highlighting one of the first icons corresponding to an operation (see col. 8 lines 29-33),
- selecting a highlighted icon at (col. 8, lines 29-33), and
- performing the operation corresponding to the selected icon (see col. 8 lines 29-33).

Nguyen teaches a display method according to claim 1 (see claim 1 above), but does not teach wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring. Robbins teaches wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring (i.e. enlarging by not occluding a selected segment through warping controls, by way of graphical manipulations such as the “fish-eye” technique, at col. 5, lines 35-38). Nguyen teaches that the multiple rings may be hierarchically related (Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the displaying of selected icons as taught by Nguyen to include displaying a larger icon that is

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selected as taught by Robbins with the motivation being to “examine details associated with the selected image,” (see col. 6, lines 15-20, ‘Robbins).

Robbins further teaches:

- displaying the highlighted icon surrounded by a second ring (i.e. wheel or ring 352);
- adding second icons, upon selecting the highlighted icon, at predetermined intervals on the second ring, the second icons corresponding to secondary operations of the operation (i.e. see Fig. 12 and col. 6, lines 15-19);

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to display the second ring in a smaller diameter than the first ring. Applicant has not disclosed that a smaller diameter provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the second ring of Robbins because the functionality of the second ring menu is not affected by the size of the ring.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Nguyen and Robbins to include the smaller-diameter second ring, as claimed.

However, Nguyen and Robbins fail to explicitly teach automatically centering the selected icon on the picture screen and removing the remaining plurality of icons on the first ring from the picture screen.

Vayda teaches a ring menu system similar to that of Nguyen and Robbins (see Vayda, Fig. 11). Furthermore, Vayda teaches automatically centering the selected icon on the picture screen, taught as the positioning of the item highlighter in the focus or default position of col. 13, lines 18-23. While Vayda discloses at col. 6, lines 46-48 that the focus position need not be the center of an object, this passage clearly indicates that a focus position as centering is commonly utilized in the art and not out of the realm of Vayda.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Nguyen, Robbins, and Vayda before him at the time the invention was made to modify the ring menu system of Nguyen and Robbins to include the full-screen enlargement of Vayda. One would have been motivated to make such a combination for the advantage of allowing a user to more efficiently manipulate the user interface. See Vayda, col. 1, lines 46-49.

However, Nguyen, Robbins, and Vayda fail to explicitly teach removing detail from the first icons after adding the second icons.

Torres teaches a system of selecting menu items represented by icons similar to that of Nguyen, Robbins, and Vayda. Furthermore, Torres teaches altering the graphical representation of an icon or related graphical element based on its selection, at col. 4, lines 23-42. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to include the graphical alteration of Torres, similar to the claimed removing detail from a selected icon, into the system of Nguyen, Robbins, and Vayda. Applicant has not disclosed that removing detail from the first icons after adding the second icons provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the icon attribute alteration of Torres because the icon alteration in Torres and in the instant application both are a result of user selection of an icon or graphical element and are both used to indicate such a selection.

One would have been motivated to make such a combination for the advantage of easily indicating to a user which icons or elements in a hierarchy have been previously selected.

As to claims 4 and 8, Nguyen teaches a display method according to claim 1, wherein one of the icons displayed on the first ring corresponds to the operation of returning a display including a previous menu layer (i.e. fade in or out as needed, see col. 9 lines 56-61).

Regarding claims 9 and 10, Nguyen can be shown to teach highlighting the first ring when performing selections on the first ring, taught by the arrows of Fig. 7-9.

Regarding claim 11 and 13, Robbins teaches the displayed icons of the first ring that are closer to the highlighted icon being larger than the displayed icons of the first ring that are further from the highlighted icon, taught as the use of a "fisheye" technique focused on a selected icon, at col. 5, lines 35-38, which is well-known to warp an image such that the focused part is enlarged relative to portions of the image further from the focused portion.

Regarding claim 12 and 14, Vayda teaches removing the remaining plurality of icons on the first ring from the picture screen, at col. 13, lines 18-23.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-5 and 8-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ROSWELL whose telephone number is (571)272-4055. The examiner can normally be reached on 9:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell /MICHAEL ROSWELL/
Primary Examiner, GAU 2173
2/26/2009